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HUMAN RIGHTS COMMITTEE

Sixty-seventh session

SUMMARY RECORD OF THE 1789th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 21 October 1999, at 10 a.m.

Chairperson: Ms. MEDINA QUIROGA

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 6) (continued)

Fourth periodic report of Morocco (continued) (CCPR/C/115/Add.1)

1. At the invitation of the Chairperson, the members of the delegation of Morocco resumed their places at the Committee table.

2. Mr. SOLARI YRIGOYEN welcomed the appreciable improvement in the human rights situation that had taken place in Morocco over the past decade. Many persons believed to have disappeared had reappeared, a number of prisoners had been released or had had their death sentences commuted, and numerous human rights guarantees had been enshrined in domestic law. In addition, Morocco had acceded to a number of important international human rights instruments.

3. Despite those advances, however, serious problems remained, and human rights violations, notably disappearances, were still occurring. The security forces had been responsible for 900 or so disappearances between 1960 and 1990: some 300 of those persons had finally been released, but 100 of them had died in secret prisons. He would like to know what had become of the rest. The Advisory Council on Human Rights had acknowledged the existence of 110 disappeared persons for the purpose of initiating measures to secure compensation. The Government spoke frequently of "turning the page" on the past, but as he saw it, that would not be possible as long as those responsible for human rights violations enjoyed impunity. Investigations should be carried out into the disappearances, the persons responsible should be punished, families should be informed where the victims were buried, any disappeared persons still alive should be released, and compensation should be paid to the families of all the disappeared, not only to those named on the list provided by the Government.

4. While there had been a considerable reduction in known cases of torture, the problem persisted, and in fact there had been a number of cases in the course of the past year. By way of example, he would be glad to have information concerning the cases of Mr. Hamid Montassir, Mr. Mohamed Doussal, and the brothers Mohamed and Essrout Mustafa. Did Morocco intend to withdraw its reservation to article 18 of the Covenant, and did it plan to amend articles 291 and 294 of its Code of Criminal Procedure to ensure that statements obtained by illegal means were not considered valid? Another matter of concern was the excessive use of force by the security forces, such as had occurred in Rabat a year earlier in the course of a peaceful demonstration by unemployed graduates.

5. A problem of particular importance was the lack of equality suffered by women due to the persistence of such practices as polygamy and repudiation. Did Morocco intend to honour its undertaking under article 3 of the Covenant by taking the necessary legal measures in regard to marriage, divorce, filiation, inheritance, and personal status? It would seem that there was a certain lack of religious freedom in Morocco, since paragraph 145 of the report suggested that a public breaking of the fast during Ramadan would be regarded as a criminal offence.

6. Lastly, he noted from paragraph 93 of the report that Moroccan nationals were free to leave the national territory and return to it. However, the Committee had been informed of cases in which supporters of opposition parties had encountered difficulties in obtaining passports; he would be glad to know whether that situation still existed.

7. Mr. AMOR said that since the new Government had assumed power in 1998, a number of reforms had been introduced in an endeavour to "turn the page" on a past which had, regrettably, included instances of oppression and injustice. Those were positive initiatives, which augured well for the future.

8. With reference to article 3 of the Covenant, he would appreciate clarification concerning the status of women in Morocco, particularly in relation to Islamic Shariah. While a small, elite group of women had attained prominent positions in science, technology and the arts, the situation of ordinary women was actually deteriorating. Although almost half a century had passed since Morocco had gained independence, 67 per cent of women, largely in rural areas, were still illiterate, and their economic situation was particularly unsatisfactory. They were still effectively dependent on men, and that situation was often justified and even encouraged by reference to Shariah law. As he saw it, it was unacceptable that measures adopted in the context of a particular historical situation as long ago as the fourteenth century should continue to be applied unchanged. Shariah should not be used to justify certain antiquated and obscurantist attitudes.

9. It was noteworthy that the Moroccan Constitution, unlike the constitutions of many other Arab countries, made no mention of the Shariah as a source of legislation, and there was thus no justification for it to be quoted in a legal context. Indeed, article 4 of the Constitution stated that the law was "the supreme expression of the will of the Nation". In addition, Morocco had recognized that the provisions of international instruments prevailed over those of domestic legislation. In the light of the fact that Morocco had accepted the Covenant without reservations, including article 3, he could not understand why it still failed to take action to remedy the situation of women.

10. Article 6 of the Constitution stated that Islam was the State religion. Although that statement did not have any legal implications, it had nevertheless been used by the legislature as a justification for introducing a Code of Personal Status, which in many respects contravened article 3 of the Covenant. That situation should be remedied. Islam should be a force for enlightenment, and should not be used as a tool for perpetuating outdated restrictions on women's rights which resulted in gross inequalities.

11. Mr. LALLAH associated himself with the questions raised earlier by other members of the Committee. While he appreciated that certain advances had been made in Morocco in the human rights field, there must be real political will if they were to prove effective. He agreed with Mr. Amor that Islam should not be invoked to justify serious human rights violations. He urged Morocco to begin work without delay on drafting a civil law of general application to replace the Code of Personal Status on such issues as marriage and divorce.

12. Some years before, there had been a mass protest in Morocco against certain budgetary cuts imposed by the Government. He would encourage the Moroccan Government to tell the international financial institutions which had called for those cuts that it had obligations under international human rights law to make proper provision for its people in the fields of education, health and the social services.

13. Mr. MAJDI (Morocco) expressed appreciation for the detailed questions posed by members of the Committee, which reflected their interest in his country. The only way to achieve progress was through a constructive dialogue of the kind now taking place. Since 1994, his Government had made efforts to purge the errors of the past by addressing a number of fundamental issues, and the suggestions made by members of the Committee would greatly assist those responsible for introducing measures that would improve the human rights situation.

14. The Government was well aware that the situation of women in general, both in law and in actuality, was far from consistent with article 3 of the Covenant. The question was not whether or not changes should be made, but rather how they should be made and at what rate, taking into account the particular situation in Morocco. He fully endorsed the views expressed by Mr. Amor, which had been echoed by critics in Morocco itself. Statements made by the King since his recent accession indicated that he intended to speed up the pace of reform in that area.

15. The 1958 Code of Public Freedoms represented a considerable step forward in relation to the Muslim Code which had prevailed in the past. Since then, further reforms had been introduced, though perhaps not as ambitious as they should have been, and debate was continuing on how to ensure more effective implementation of the Covenant. It was not a question of lack of political will, but rather of finding the best way to achieve progress. It should be noted that the various women's associations in Morocco working to improve women's rights all operated within the context of Islam, and it was thus within the framework of Islam that the necessary reforms would eventually be achieved. The difficulty would be to obtain a sufficient consensus at the national level, and a sufficient majority in Parliament, to enable those reforms to become law without sparking a protest movement which could destabilize the country's institutions.

16. Mr. LIDIDI (Morocco), responding to questions raised at the previous meeting concerning the organizational and legal aspects of women's rights, said that the Code of Public Freedoms was part of positive law and was susceptible of improvement, as was the case with all laws, whether inspired by the Shariah or not. Reforms instituted in 1993-1994 in respect of marriage and child custody gave women the right to marry freely and to have custody of children. The institutions of divorce and polygamy had likewise undergone reform. The innovations introduced by the Code had added a number of factors that could be invoked in defending one's interests. The Shariah was based on the public interest, and accordingly, the interests of women were taken into account. There was no lack of a will to reform, but the rate of reform must be linked to the overall ethos in society.

17. Mr. BELKOUCH (Morocco) said that although the Covenant had not yet been adopted in 1958, the Code of Public Freedoms had already enshrined a number of rights - in an environment that had been less propitious for women's equality. Women had been accorded political rights and the right to hold all jobs in the civil service and private enterprise. They had been active in society, although educational levels accounted for major differences. Under colonial rule, women had had no access to education, with the rare exceptions of those from the elite with close ties to the ruling colonial administration. In 1960, the illiteracy rate among women had been 96 per cent. It had taken enormous efforts to bring it down to 60 per cent, where it currently stood. That had been accomplished primarily through promotion of schooling for girls, but many parents had preferred to keep girls out of school for farming or herding.

18. From 1992 to 1996 an education campaign had been waged, resulting in a nearly 20 per cent rise in school attendance by girls. The campaign had had the support of the Ministry of Education but also of the media and NGOs. School satchels had been distributed in rural areas, cafeterias set up in schools, etc., and the results were encouraging. School attendance was of importance, not only for women but for all of Moroccan society, because it determined the level of participation in the democratic process and the ability to defend one's rights. Unfortunately, the portion of the Government's annual budget spent on education was only 24 per cent. That was a relatively high rate for a developing country, but efforts must be pursued to increase funding for education. He would hand the Chairperson a document from the Ministry of Planning's Department of Statistics illustrating the participation of women in the workforce, the civil service, etc.

19. The involvement of women in politics had been a concern well before the recent appointment of four women to senior government posts. More work was required, not just of the Government but also of political parties, trade unions and associations. There was no reason why more women should not be involved in politics: women were already working as entrepreneurs, lawyers, physicians and heads of NGOs, and constituted a very dynamic group within the Moroccan population.

20. Changes in society could not be decreed: they were built up. The Code of Public Freedoms could be improved further, in line with the principles set out in international instruments, but that must be a gradual process in which society was mobilized to accept the underlying changes. Such efforts must be pursued with great prudence, for in the region examples unfortunately abounded of legislative measures that failed to translate into fuller respect for human rights.

21. The Government had formulated a national programme for the integration of women into development which comprised not only economic and social but also legal measures. It was under considerable discussion, not with regard to the underlying principle, but rather the modalities for its implementation, with strong traditional forces resisting any new approaches. Work was being done to achieve legislative breakthroughs on the age of legal consent to marriage, divorce and polygamy in the context of the Code's revision.

22. Polygamy was on the decline and was principally practised by the older generation. Seventy-three per cent of women in Morocco were under 35 years of age, and structural adjustments had caused widespread unemployment and social problems, reducing both marriage and polygamy rates. The work to bring Moroccan legislation into line with international human rights instruments would promote human rights while simultaneously contributing to an evolution in societal attitudes.

23. Mr. BENJELLOUN-TOUIMI (Morocco) said that new legislation was being prepared in Morocco today and the Government's wish was that it should be modelled on international instruments. Women's rights would be protected in all the new codes, including the new Commercial Code, on that basis. Codes were being elaborated not just in the traditional domains such as labour, but also in more technical fields such as intellectual property and copyright. Personal status and inheritance rights would pose a legislative challenge because of the sensitive nature of those topics.

24 Mr. LIDIDI (Morocco), replying to the questions on Morocco's judicial system, said the underlying principles were independence of the judiciary, the public holding of proceedings and the right to assistance from a defence lawyer. All citizens were equal before the law. There were no special courts for trials in exceptional circumstances.

25. Magistrates were only human, and the possibility of judicial error must be contemplated. That was why there were procedures for appeals to higher bodies within the judiciary. Under Morocco's judicial system, as under those of other countries, persons were tried by criminal courts consisting of judges but no jury, and the verdicts were subject to appeal. A debate was currently under way as to whether changes should be made in the operation of the court of first instance. All guarantees were offered in criminal cases: a pre-trial investigation was carried out and a decision by an examining magistrate could be contested. The Special Court of Justice had the sole objective of protecting public affairs and prosecuting those who committed offences. Judges were appointed by the Supreme Council of the Judiciary and had to give reasoned rulings. The Supreme Council thus exercised oversight in the enforcement of the law.

26. The independence of the judiciary had been embodied in the Constitution in order to ensure that judges could act free of any external pressure or influences. The appointment of judges was organized so as to uphold their independence and was based on competitive examination. All Moroccan citizens with the necessary qualifications could apply for such appointments, and the Supreme Council of the Judiciary made the final decision. The Supreme Council was made up exclusively of judges, except for the Minister of Justice, who represented the King.

27. Judges must be able to do their work free from threats and bribery and could not be transferred. They were under the jurisdiction of the Supreme Council which, as an independent administrative body, could adopt disciplinary measures against judges, not on the substance of their rulings, but when they engaged in improper practices.

28. Turning to the powers and prerogatives of the security organs, he said they included police custody and pre-trial detention. Lawmakers had instituted a number of guarantees to ensure that the rights of citizens were upheld in such situations. Police custody could be ordered, not by all police officers, but only by a criminal investigation officer. Members of the criminal investigation service were subject to disciplinary proceedings if they failed to abide by the law and were supervised by a representative of the King.

29. Detention must be in official premises and recorded in a log under the supervision of the prosecution service. It could not exceed 48 hours, extendable only with the authorization of the prosecutor. The Penal Code clearly stipulated that abuse of persons under pre-trial detention constituted arbitrary detention, and the officer responsible was subject to disciplinary proceedings under article 58 of the Penal Code.

30. Pre-trial detention was also ordered by the criminal investigation service for offences carrying a penalty of two years' imprisonment. It could be appealed in the competent court, and detainees must be released within a period of 15 days. The presumption of innocence was applied in practice but was embodied in no regulations at present, although that omission might be rectified in the new Penal Code. The law did state that if there was any uncertainty whatsoever, the accused must be given the benefit of the doubt, and article 292 of the Penal Code stipulated that grounds for conviction must be provided, which meant that innocence was presumed.

31. As to the role of the lawyer, the most recent version of the Penal Code stipulated that a lawyer must be present in court when a proceeding was initiated. When the accused appeared before the examining magistrate, he or she could demand that a lawyer be present. A debate was now going on within the committee reviewing the Penal Code as to whether a lawyer's presence should be mandatory during police custody. He referred to paragraph 113 of the report concerning the trial costs borne by the accused. If a case was lost, the accused had to pay the costs of the trial. In some cases, however, legal aid could be provided.

32. Turning to appeals against disciplinary measures imposed on detainees, he said they were given written information about their rights to legal aid, to lodge complaints about disciplinary measures and to take cases to administrative courts. The most recent Penal Code, in articles 97 and 98, stated that a detainee could address petitions to any of the authorities and could testify during the investigation of his or her complaint. There were institutions for oversight and monitoring in such cases, and the media were also now allowed to interview detainees and follow proceedings. Lawyers' groups and human rights associations had visited some 15 prisons recently and had been able to investigate the situation of detainees.

33. As to whether a woman could have an abortion after being raped, article 453 of the Penal Code stipulated that abortion was authorized when a physician stated it was necessary for medical or psychological reasons in order to preserve a woman's life. Obviously, rape could have a devastating psychological effect, and abortion would not be illegal in such situations.

34. An amnesty had been issued in 1994 for all prisoners on whom the death penalty had been imposed. There were appeal procedures for persons awaiting execution. The death penalty was never imposed for political offences but only for violent and heinous crimes, especially against children. A full list of individuals sentenced to death and the crimes they had committed would be provided to the Committee.

35. Mr. LIDIDI (Morocco), replying to questions about police brutality, said that all complaints were investigated by the Crown Procurator at the place of detention where the offence was alleged to have taken place. The individual concerned was medically examined and the report was forwarded to the court. Accusations of brutality had been brought against police officers, in at least six cases and the penalties imposed had ranged from 5 to 20 years' imprisonment. Some Judicial Police officers convicted of committing acts of violence against detainees during the pre-trial examination had been imprisoned since 1986.

36. Mr. BELKOUCH (Morocco), replying to a question about the Advisory Council on Human Rights, said that the Council was a national institution whose members included representatives of political parties, trade unions and NGOs as well as lawyers, doctors, academics and other representatives of civil society. Its functions were to participate in promoting a culture of human rights in Morocco, examine specific situations at the national level and advise the Government on those situations, and to study the existing laws and submit proposals for improving them. The Council had, for example, formulated views on the new Prisons Bill and the draft amendments to the Penal Code. Views submitted by the Council were generally received favourably by the King. While it undoubtedly fell short of perfection as an institution and certain NGOs accused it of being insufficiently dynamic, the Council was already doing good work and expected to develop its activities further in the future.

37. Replying to questions concerning the status of international treaties in relation to domestic law, he said that Morocco subscribed to the principles, rights and obligations deriving from the charters of the international bodies of which it was a member. While the Constitution did not specifically provide that international treaties took precedence over domestic law, Moroccan case law was full of instances in which that principle had been upheld. In particular, he cited the Nationality Act, the Act relating to cooperation with France and, with special reference to the International Covenant on Civil and Political Rights, a judgement by the Rabat administrative court to the effect that enforcement by committal could no longer be applied in view of Morocco's accession to the Covenant.

38. Mr. BELMAHI (Morocco), replying to questions concerning the machinery for monitoring the legality of administrative acts, said that objections to all administrative decisions subject to appeal were considered by the competent administrative courts. The goal of the mechanism was to strengthen the position of citizens vis-à-vis the authorities and thereby to reinforce the rule of law in Morocco. Results could be considered positive at two levels, that of the speed at which cases were settled and that of the number of complaints brought. Whereas, in 1994, 1,015 judgements had been handed down in a total of 7,376 cases, the corresponding figures for the first six months of 1999 were 8,876 judgements in 10,069 cases. In the case of interim

proceedings, judgement was handed down on the same day. The decision of the Rabat administrative court referred to by the previous speaker had been reached within the framework of the procedure he was describing.

39. In reply to a question concerning imprisonment for debt (Covenant, art. 11), he said that under a new bill at present before the First Chamber of Parliament, the provision for enforcement by committal contained in the law currently in force was to be abolished. However, the measure would still remain as an option left to the discretion of the judge.

40. Replying to a question concerning article 47 of the Constitution, he said that the provision in that article was designed to enable the Government to amend certain legislative texts that were outside the purview of the legislature; it was entirely unrelated to the basic laws referred to in article 46 of the Constitution. Lastly, in answer to a question as to whether appointments to the Constitutional Council were political in nature, he said that the point was debatable. In other countries, too, questions of a similar kind were asked, for example, about appointments to the Supreme Court. Practice had shown that those who criticized the Constitutional Council as being a political body tended to be among its principal beneficiaries, precisely because of their minority status in government.

41. Mr. BENJELLOUN-TOUIMI (Morocco), making a general point, said that the Moroccan Constitution, which had not changed since 1962, was basically comparable to the Constitution of the French Fifth Republic, especially with regard to the relationship between the legislature and the executive.

42. Turning to the issue of disappearances, he said that lists supplied by NGOs did not always tally with one another. In order to investigate every case, the Government must have lists that were accurate and precise; at present, it was not uncommon for the same name to crop up several times, especially in lists relating to the Sahara provinces. Moreover, several of the persons reported to have disappeared had in fact been killed in action, in which case the Government had no way of telling what had happened to them. Emphasizing the Government's sincere wish to do everything in its power to shed light on an unhappy episode of Moroccan history which now definitely belonged to the past, he explained that, for the present, investigation was being given priority over the issue of punishment for the guilty. It was considered important not to deter anyone who could contribute to the investigation. That did not mean, however, that the culprits would not ultimately be punished.

43. Referring to the administrative and legal situation in the Sahara provinces, he said that, pending the implementation of the Madrid Agreement on self-determination, the same legal system was being applied as in the rest of Morocco. As already stated, the territory was not under a state of emergency, although it could not be denied that some special security measures were in force in view of the continuing risk of unrest. A ministerial delegation from Rabat had visited the territory during the past few days, and in a recent speech the King had outlined plans for the development of local self-government there.

44. Ms. CHANET asked for a reply to the question she had asked at the previous meeting in connection with article 12 of the Covenant. Referring to a document on the Supreme Council of the Judiciary which the Moroccan delegation had distributed to Committee members, she expressed surprise at the large number of disciplinary measures taken against judges and asked what offences they had been charged with. Referring to the delegation's remarks comparing the Moroccan Constitution to the constitutions of other countries, she said that certain provisions, such as those in articles 8 and 18, were surely specific to Morocco, as was the absence of any constitutional article giving international treaties precedence over internal law.

45. Mr. BHAGWATI asked for further elucidation of the statement in paragraph 118 of the report to the effect that decisions handed down in criminal cases were without appeal. Another question on which no reply had been forthcoming was that of the tenure of judges. He also wished to know whether the Advisory Council on Human Rights had authority to investigate individual complaints, and asked whether the delegation considered article 25 of the Moroccan Constitution to be compatible with article 4 of the Covenant.

46. Mr. BENJELLOUN-TOUIMI (Morocco) said that he would prefer to answer those questions in writing. For the time being, he would confine himself to saying that he saw nothing in the Moroccan Constitution that was exceptional or inconsistent with the Covenant. Replying to the question raised by Ms. Chanet at the previous meeting under article 12 of the Covenant, he said that in the case of one of the individuals she had mentioned, a member of the Government had at one time objected that the individual was not a Moroccan national. That objection had now been withdrawn and the man was free to return to Morocco. The Ben Barka family had gone into exile voluntarily and had now decided to return in view of the new political situation. The Oufkir family, whose members were frequently interviewed by the media both in Morocco and in France, also enjoyed complete freedom of travel. Any Moroccan national was entitled to a passport, which did not, however, necessarily mean that he or she could travel abroad since an entry visa was required in many cases.

47. Mr. LIDIDI (Morocco) said the numerous cases currently before the Supreme Council of the Judiciary dated back a long time because the Council had not met for two years. Accusations against judges had necessitated in-depth inquiries conducted by other judges, and they all concerned suspect behaviour by judges which contravened the basic statute governing the judiciary. The fact that the many cases against the police involved officers who had violated individuals' rights in the course of duty evinced the authorities' commitment to punishing such conduct.

48. Mr. BELMAHI (Morocco) said that although Islam was the State religion, the Constitution provided for freedom of worship. The provision for the seizure and suspension of publications was applied only when the national interest, public morality or an individual's reputation needed to be protected; however, any individual could seek redress in the competent court. The Code of Public Freedoms governing freedom of assembly had established the notification process as the proper means of dealing with public meetings. As recently as 1 October 1999, the administrative court in Rabat had overturned a governor's decision to refuse an application to organize a meeting, and permission had been granted. The use of force by law enforcement officers was

permitted only in exceptional circumstances, which were closely monitored. The Judicial Police and the gendarmerie were also instructed in the purpose of the use of force.

49. In answer to question 17 on child labour, he said Morocco had adopted ILO Convention No. 138 concerning the minimum age for employment. In addition, article 4 of the draft labour code currently before parliament envisaged the creation of a legal regime for domestic employees. In an effort to raise the educational level of child workers, the Ministry of Labour had formulated a plan of action combining a half day of vocational training with a child's employment and informal education. The national agency for monitoring compliance with the Convention on the Rights of the Child had organized a meeting in Rabat in December 1998 which had addressed ways of preventing and confronting child abuse.

50. The Code of Criminal Procedure, the Penal Code and the draft labour code had been harmonized; the results had been submitted to the appropriate ministry, which was recasting the text for presentation to the Government. Morocco had numerous laws that protected children from sexual abuse, and penalties ranged from 2 to 30 years' imprisonment. Article 498 of the Penal Code stipulated that corruption of a child under 18 was punishable by a two or three year prison term and a fine of up to 5,000 dinars.

51. To question 18 he replied that the constitutional provisions for freedom of movement, expression and association were difficult to enforce owing to problems posed by religious, linguistic and other differences. The Berbers were an integral component of the Moroccan nation and enjoyed the same national status as Arabs. They were encouraged to keep their heritage alive, and their culture was protected by special institutions. In 1999, the late King Hassan II had specifically called for the Berber culture to be preserved and taught in schools. There were several Berber-language publications, as well as information brochures and radio and television broadcasts.

52. The Mahgreb Arabe Presse had published the agenda of the current session of the Human Rights Committee and Morocco's fourth periodic report. The Ministry for Human Rights had also published a book containing all the international instruments signed or ratified by Morocco, which would be issued to universities, NGOs and other institutions, as would the Committee's recommendations and concluding observations.

53. Lord COLVILLE considered that the report contained an abundance of laws and a dearth of facts, but thanked the delegation for providing details of the reality on the ground. Although articles 19 and 22 both established legitimate limitations on the extent of a country's compliance, the Committee needed to know whether the limitations the country imposed were compatible with the Covenant. He also regretted that the report had not dealt with the 1973 Dahir, repeal of which the Committee had called for in 1994. He wished to impress upon the delegation that the purpose of the Committee's concluding observations was to highlight areas it deemed problematical, in the hope that they would be addressed before submission of the subsequent report.

54. He asked the delegation to furnish statistics on inaccurate and fabricated information. The Committee also needed to be aware of the extent

to which the authorities availed themselves of the provision mentioned in paragraph 156 concerning publications that threatened public order. Someone had been sentenced in 1997 to five years' imprisonment for the crime of lèse majesté under article 179 of the Penal Code. He would like to know exactly what that crime had entailed and whether it was compatible with freedom of expression. Were there any other harsh laws that restricted citizens' freedom to criticize the Government and other institutions without penalty? The Committee should be supplied with statistics on those issues and on the types of sentence imposed.

55. Turning to the question of the need for approval of an application to hold meetings, he was happy to learn that the administrative court had overruled a governor's refusal to grant such approval. Was there any system of appeal to an administrative court to oblige the authorities to reply? If not, the State and the local authorities could wield absolute control by withholding either a positive or negative reply, which was certainly not consistent with the Covenant. Now was the opportunity to judge compliance with articles 19 and 22 of the Covenant. Since Morocco had not ratified the Optional Protocol, none of its citizens could transmit a communication to the Committee. He urged the delegation to do its utmost to ensure that that situation was rectified.

56. Mr. BHAGWATI agreed that the delegation's detailed oral replies had compensated for the sad lack of concrete information in the report. He wondered whether it was true that prisoners could be employed by private companies without their consent and, if so, whether they earned regular wages. Was it also true that a public official could not resign his post, and was compelled to continue working on pain of conviction? Moreover, if compulsory arbitration was indeed still in force, it violated article 22 of the Covenant as well as the Moroccan Constitution. The reported conviction in 1997 of many political activists who had called for a boycott of the elections also contravened article 19.

57. Mr. ZAKHIA, citing the report, which stated that freedom of worship existed only for monotheistic religions and that criminal law punished conduct likely to offend Muslim religious sensibilities, said that application of subjective, rather than objective, criteria could lead to differences of interpretation, and impede democracy. He requested the authorities to take due note of the situation and take steps to rectify it.

58. Ms. CHANET endorsed Lord Colville's remarks on the failure to repeal the 1973 Dahir, which the Committee had requested in 1994. She also wished to know what developments there had been since the Prime Minister's promise to repeal it.

59. Ms. EVATT, endorsing Lord Colville's remarks, drew particular attention to the case of Mustafa Naas, who had been sentenced to two years' imprisonment for calling for the establishment of a republic, a sentence not consistent with article 19. Also, the collegiate electoral system criticized by the Committee during consideration of the country's third periodic report still existed in the second chamber. She wondered whether the apparently enormous powers vested in the King were exercised solely on ministerial advice or whether they were full and plenary powers.

60. Mr. AMOR, seeking clarification on matters relating to articles 13-19, requested more information concerning the reference, in paragraph 178 of the report, to the Government's power to dissolve an association by decree. Was any amendment of that provision envisaged in order to leave such decisions to the judicial authorities? The Constitutional Council was composed of eminent experts, as evinced by its decisions on the monitoring of the legislative elections. While appeals to the Council were numerous, the inordinate interval between the elections and the adoption of the relevant decisions might be considered to undermine the legislative process. Too many appeals were still pending before the Council. Could the appeal process be speeded up in order to reinforce the validity of the electoral process?

61. Turning to article 6 concerning freedom of religion, he said the fact that Islam was the State religion did not mean that the existence of freedom of worship could not be questioned, since there were repercussions when restrictions were placed on the freedom of other religions. Faith was not tantamount to guardianship. True, the monotheistic religions were safeguarded, but what of others such as Baha'is and Jehovah's Witnesses, of whom there were many in Morocco? Were they considered to be Christians and, therefore, permitted to worship? What of people who held no religious beliefs or whose beliefs were anti-religious? While a change of religion was not explicitly penalized, he wondered whether there were any penalties for proselytism, a right implicit in article 18 of the Covenant. Application of Muslim values alone might lead to problems of interpretation. Was the issue of changing religion purely religious or did it have political overtones?

The meeting rose at 12.55 p.m.